

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AUDIOVOX COMMUNICATIONS CORP.

Plaintiff,

v.

TOSHIBA CORPORATION, PANTECH &
CURITEL COMMUNICATIONS, INC., and
HIGH TECH COMPUTER CORPORATION,

Defendants.

10-CV-4982 (AKH)

Waiver of Service of Summons

TO: Duane Morris LLP c/o D. Joseph English, Esq.

I acknowledge receipt of your request that I, on behalf of High Tech Computer Corporation ("HTC"), waive service of a summons in the action captioned as *Audiovox Communications Corporation v. Toshiba Corporation, et al.*, 10-CV-4982 (AKH) in the United States District Court for the Southern District of New York. I have also received a copy of the complaint in the action, two copies of this Waiver of Service of Summons, and a means by which I can return the signed waiver to you without cost to me.

On behalf of HTC, I agree to save the cost of service of a summons and a copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

I understand that I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit, the jurisdiction, and/or venue of the action except for objections based on a defect in the summons or in the service of the summons.

I also understand that I (or the entity on whose behalf I am acting) must file and serve an answer or a motion under Rule 12 within ninety (90) days from November 15, 2010, the date when this request was sent. If I (or the entity on whose behalf I am acting) fails to do so, a default judgment will be entered against me or the entity I represent.

Date: 11/24/10

High Tech Computer Corporation
(Printed name of party waiving
service of summons)

Signature: 

Printed name: Grace Y. Lei

Address: No 23, Xinghua Rd., Taoyuan City,
Taoyuan County 330, Taiwan

Email: Grace Lei @ HTC.COM

Telephone number: +886-3-375-3752 ext 6187

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.